



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/998,302	12/24/97	STANFIELD	STE01-P7988

LM32/0608

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EXAMINER

ZIMMERMAN, E

ART UNIT

PAPER NUMBER

2735

DATE MAILED:

06/08/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/998,302

Applicant(s)

Stanfield

Examiner

Brian Zimmerman

Group Art Unit

2735



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-63 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-63 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 2-6,24-33, drawn to addressable alerting mechanism in a file locating system, classified in class 340, subclass 825.52.
 - II. Claims 7-10,61,62, drawn to network configuration in a file locating system, classified in class 340, subclass 825.49.
 - III. Claims 11,39-41, drawn to the structure of a file folder in a file locator system, classified in class 340, subclass 572.
 - IV. Claims 14,59,60,63, drawn to a shelf retainer in a file locator system, classified in class 340, subclass 825.49.
 - V. Claims 15,52,57,58, drawn to a tray retainer in a file locator system, classified in class 340, subclass 825.49.
 - VI. Claims 16-18,20-22,55,56, drawn to a cabinet in a file locator system, classified in class 340, subclass 825.49.
 - VII. Claims 34-38, drawn to conductor configuration in a retainer in a file locator system, classified in class 340, subclass 825.49.
 - VIII. Claims 43-52, drawn to database storage in a file locator system, classified in class 364, subclass 401.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I,II,III,VIII are related as subcombinations disclosed as usable together in a single

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combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention has separate utility such as the database of group VIII can be used in a file locator system which does not have indicators on the files. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Group is not required for Group , restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. This application contains claims directed to the following patentably distinct species of the claimed retainer in a file locator system: Groups IV, V, VI, VII are species groups of the retainer.

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 12 and 13 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Following is a chart which shows the claims that will be examined based upon the election of a specific group.

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Group Elected	Claims Examined
I	1-6,19,23-33
II	1,7-10,19,23,61,62
III	1,11,19,23,39-41
IV	1,12-14,19,23,59,60,63
V	1,12,13,15,19,23,53,57,58
VI	1,12,13,16-23,55,56
VII	1,12,13,19,23,34-38
VIII	1,19,23,43-52

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Zimmerman whose telephone number is (703) 305-4796.



**BRIAN ZIMMERMAN
PRIMARY EXAMINER**

BaZ

June 5, 1998